IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Bail Appl..No. 1129 of 2007()

CMP.11/2002 of JUDL. MAGISTRATE OF FIRST CLASS, KOTHAMANGALAM

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(CRIME NO.65/2006 OF KOTHAMANGALAM EXCISE RANGE)

PETITIONER/1ST ACCUSED:

RAMACHANDRAN, AGED 52 YEARS,
S/O. VELAYUDHAN, CHERUKANNOTH HOUSE,
NERIYAMANGALAM VILLAGE, KOTHAMANGALAM.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE EXCISE INSPECTOR,
KOTHAMANGALAM REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM (INVESTIGATING
OFFICER IN CRIME NO.65/06 OF EXCISE RANGE,
KOTHAMANGALAM).

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1129 OF 2007 A

Dated this the 27th day of February, 2007

O R D E R

Petitioner, who is the first accused in C.R.No.65/2006 of Kothamangalam Excise Range for an offence punishable under Section 55(a) of the Abkari Act for allegedly having been found in possession of 39 bottles of Beer and 18 litres of IMFL on 30.12.2006 and who was arrested on the same day, seeks his enlargement on bail.

2. Eventhough the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in four other crimes involving similar offences, he has fairly conceded that no final report has been filed even after 60 days of detention of the petitioner. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Kothamangalam and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

c. The petitioner shall make himself available for interrogation as and when required by the investigating officer.

d. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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